who had acquired a complete, vested right to the land in accordance with the provisions of the law under which his entry and purchase from the government was made. Mill Co. v. Brown, 54 Fed. 987, 59 Fed. 35. The necessary facts have been established in this case by the averments of the bill not controverted by the answer, and by evidence fully sustaining the allegations which the answer does put in issue. The answer does not state, and the evidence does not show, any facts to impeach the validity of the entry, except the irregular and unauthorized proceedings of the land department. I hold, therefore, that the receiver's certificate issued to Smith is sufficient evidence of a perfect and vested right to the land, and the plaintiff is entitled to the relief prayed for. Let there be a decree accordingly.

HAWLEY et al. v. DILLER.

(Circuit Court, D. Washington, N. D. August 6, 1896.)

PUBLIC LANDS—BONA FIDE PURCHASER.

Where land has been regularly entered under Act June 3, 1878, providing for the sale of lands chiefly valuable for timber and stone, it is not subject to forfeiture in the hands of a bona fide purchaser.

Jenner & Legg, for plaintiffs.
F. A. Griffith, for defendant.

HANFORD, District Judge. The land which is the subject of controversy in this suit was entered under the act of June 3, 1878 (Supp. Rev. St. U. S. [2d Ed.] 167), providing for the sale of lands chiefly valuable for timber and stone, and the complainants purchased the same several years after the entry had been allowed at the local land office. By an order of the commissioner of the general land office, the entry was suspended; and after the taking of proofs and the usual hearings the entry was, by an order of the secretary of the interior, canceled, and a patent for the same land has been issued to the defendant. The opinion of the secretary of the interior shows that the original entry was deemed fraudulent, and on that ground solely it was canceled, and that no consideration whatever was given to the rights of the complainants as bona fide purchasers. It is my opinion that, where land has been regularly entered under the act above referred to, it is not subject to forfeiture after it has been conveyed to a bona fide purchaser. Lewis v. Shaw, 70 Fed. 289–294. It is also my opinion that the evidence clearly shows that the complainants are "bona fide purchasers," within the meaning of that phrase in the act of congress above referred to. I also hold that the case in the land department, after the entry had been suspended, should have been adjudicated by the board composed of the attorney general, the secretary of the interior, and the commissioner of the general land office, as provided by sections 2450 and 2451, Rev. St., and that the secretary of the interior, without a determination of the board, could not lawfully cancel the entry. Land Co. v. Hollister, 75 Fed. 941. Decree for complainants, as prayed for.

DEXTER et al. v. UNION PAC. RY. CO. et al.

(Circuit Court, D. Nebraska. September 21, 1896.)

RAILROAD RECEIVERS—SALARIES OF EMPLOYES—CHANGES OF TRAIN SERVICE.

An order made by the court, adopting a schedule of wages to be paid by the receivers, is not violated by the receivers, in respect to employés receiving monthly wages, by varying the train service to meet changing conditions of traffic, though such change requires somewhat longer hours of service and more miles of service; it appearing that the total service required is not unreasonable in itself, or by comparison with the service on other lines.

E. E. Clark, for complainants.
W. R. Kelly, for defendants.

SANBORN, Circuit Judge. In November, 1895, E. E. Clark and others requested that a hearing be had before this court upon a complaint made by them in a letter to one of the judges of the court that the receivers in this and other cases had violated the order of the circuit court made on April 5, 1894, in the case of Ames v. Railway Co., 62 Fed. 7, which directed them to put and continue in force in that case a certain schedule of wages upon the lines of the Union Pacific Railway Company. The complaint was not that the rate of wages of any of the employés had been reduced or changed by the receivers, but that certain changes had been made in the train service upon the railroad, whereby the conductors upon certain lines of railroad were required to render more hours of service, and to travel a larger number of miles, than they were serving and traveling when the order of the court was made. The court ordered the letter of complaint to stand as an intervening petition, and referred it to the special master to hear, and report his findings of fact and conclusions of law. On June 12, 1896, he reported at length the facts he found, concluded that the complaint was not well founded, and recommended its dismissal.

Three exceptions have been filed to this report. The first is to the conclusions of the master that the order of April 5, 1894, in the Ames Case has not been disregarded by the receivers. A careful consideration of all the testimony before the master has led my mind to the same conclusion. The primary question under consideration in the Ames cause was the amount of the salaries and compensation that should be paid to the employés of the Union Pacific Railway System. After a careful consideration and discussion of that question in the opinion, the court directed a certain schedule of wages to be adopted by the receivers. They adopted it, and have since paid the wages. The evidence before the master disclosed the fact that the earnings of this railway system from passenger business decreased at least 30 per cent. between 1892, when that schedule of wages was originally adopted, and 1895, when this hearing was had. It was not the intention of the court, in adopting the schedule of wages referred to, to prohibit the receivers from making changes in the train service, or from exercising their discretion in the operation of the railroad. They were appointed to